

JTM: USAO#2012R00395

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

2013 AUG 13 AM 10:10

UNITED STATES OF AMERICA

v.

TONIE PEARL WINTERS,

Defendant

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CRIMINAL NO.

(Wire Fraud, 18 U.S.C. § 1343; Aiding
and Abetting, 18 U.S.C. § 2)

INFORMATION

COUNT ONE

The United States Attorney for the District of Maryland charges that:

Introduction

At all times relevant to this Information:

1. Defendant **TONIE PEARL WINTERS** was a resident of Washington, DC.
2. JC Penney was a retail merchant with stores nationwide. GE Capital was a financial institution which issued credit cards for JC Penney ("JC Penney's credit cards").
3. Credit cards are used by individuals to make retail transactions. Credit cards are access devices issued for the benefit of the cardholder and are tied to a specific account. The access device contains stored data on a magnetic strip which is often located on the back of the access device. This stored data can include the account number to which the access device corresponds.

The Scheme to Defraud

4. Beginning in or about September 2011 and continuing until on or about March 17,

2012, in the District of Maryland and elsewhere, the defendant,

TONIE PEARL WINTERS,

knowingly and willfully devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises ("the scheme to defraud") from JC Penney and GE Capital.

Object of the Scheme to Defraud

5. It was the object of the scheme to defraud that defendant **TONIE PEARL WINTERS** would acquire JC Penney credit card account numbers, then would call GE Capital to ensure the accounts were active and to inquire about the available balances on the JC Penney credit card accounts. Once **TONIE PEARL WINTERS** confirmed the account numbers were legitimate and had available balances, she would then go to various JC Penney retail stores, including stores located in Wheaton, Waldorf, Columbia, and Hyattsville, Maryland. Once at the JC Penney retail store, **TONIE PEARL WINTERS** would provide the account number she had been given on a piece of paper to the cashier to receive a temporary shopping pass, which she would then use to purchase gift cards and merchandise from JC Penney. These transactions caused wire signals for their approval to be transmitted from the various JC Penney stores in Maryland to the JC Penney's credit authorization database in either Lenexa, Kentucky, or Columbus, Ohio. **TONIE PEARL WINTERS** would then sell the gift cards for approximately half their cash value and retain the proceeds, and keep or give away the merchandise she had purchased. By executing this scheme to defraud, **TONIE PEARL WINTERS** caused more than 50 victims to suffer in excess of \$70,000 in losses.

Manner and Means

6. It was part of the scheme to defraud that **TONIE PEARL WINTERS** acquired the GE Capital JC Penney credit card account numbers of other individuals.

7. It was further part of the scheme to defraud that **TONIE PEARL WINTERS** would call GE Capital to check to see if the JC Penney credit card account was open and active and had an available balance.

8. It was further part of the scheme to defraud that **TONIE PEARL WINTERS** would proceed to various JC Penney retail stores, including stores in Wheaton, Waldorf, Columbia, and Hyattsville, Maryland.

9. It was further part of the scheme to defraud that **TONIE PEARL WINTERS** would use the account number to acquire a temporary shopping pass.

10. It was further part of the scheme to defraud that **TONIE PEARL WINTERS** would then purchase merchandise and gift cards utilizing the temporary shopping pass. These transactions caused wire signals for their approval to be transmitted from the various JC Penney stores in Maryland, to the JC Penney's credit authorization database in Lenexa, Kentucky, or Columbus, Ohio.

11. It was further part of the scheme to defraud that **TONIE PEARL WINTERS** would retain, sell, or give away the merchandise; she would also sell, at approximately half of their cash value, the gift cards and retain the proceeds.

The Charge

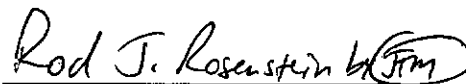
12. Beginning in or about September 2011 and continuing until on or about March 17, 2012, in the District of Maryland and elsewhere, the defendant,

TONIE PEARL WINTERS,

devised a scheme or artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, did transmit and cause to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, pictures or sounds for the purpose of executing such scheme and artifice, that is, the Defendant did cause wire signals for approval for transactions to be transmitted from the JC Penney retail stores in Maryland to JC Penney's credit authorization database in Lenexa, Kentucky or Columbus, Ohio, in violation of Title 18, United States Code, Section 1343.

18 U.S.C. § 1343

18 U.S.C. § 2

Handwritten signature of Rod J. Rosenstein in cursive, with the initials "JFM" circled at the end.

Rod J. Rosenstein
United States Attorney